

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

754L0116

HOUSE BILL NO. 1209

Introduced by: Representatives Novstrup, Boomgarden, Bradford, Brunner, Buckingham, Cutler, Davis, Deadrick, Dennert, Dykstra, Elliott, Faehn, Frost, Fryslie, Garnos, Glover, Hackl, Haley, Halverson, Hargens, Heineman, Hills, Howie, Hunhoff, Jensen, Jerke, Klaudt, Kraus, Krebs, McCoy, McLaughlin, Miles, Nelson, O'Brien, Pederson (Gordon), Peters, Putnam, Rave, Rhoden, Rounds, Schafer, Sigdestad, Street, Thompson, Tidemann, Turbiville, Valandra, Vehle, Weems, and Willadsen and Senators Abdallah, Bartling, Bogue, Broderick, Duenwald, Duniphan, Hanson (Gary), Hundstad, Kelly, Knudson, Koskan, Lintz, McCracken, McNenny, Peterson (Jim), Sutton (Dan), and Two Bulls

1 FOR AN ACT ENTITLED, An Act to provide for limited confidentiality of certain firearms
2 information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No state agency, political subdivision, official, agent, or employee of any state
5 agency or political subdivision, or any other person may knowingly keep or cause to be kept any
6 list, record, or registry of privately owned firearms or any list, record, or registry of the owners
7 of those firearms, or any list, record, or registry of holders of permits to carry a concealed pistol.

8 Section 2. The provisions of section 1 of this Act do not apply to:

- 9 (1) Records of firearms that have been used in committing any crime;
- 10 (2) Permits to carry a concealed pistol records relating to any person who has been
11 convicted of a felony;



1 (3) Records of the serial numbers of firearms that have been reported stolen that are
2 retained for a period not in excess of ten days after such firearms are recovered and
3 returned to the lawful owner. However, official documentation recording the theft of
4 a recovered weapon may be maintained no longer than the balance of the year entered
5 and two additional years;

6 (4) Firearm records that must be retained by firearm dealers under federal law, including
7 copies of such records transmitted to law enforcement agencies; and

8 (5) Any on duty law enforcement officer while conducting routine verification of the
9 validity of a permit to carry a concealed pistol.

10 Section 3. That § 23-7-8.5 be repealed.

11 ~~23-7-8.5. No information from a concealed pistol permit issued pursuant to § 23-7-8 may~~
12 ~~be transferred by the local issuing authority to any agency other than the secretary of state. The~~
13 ~~secretary of state may not allow information from any concealed pistol permit to be~~
14 ~~electronically accessible to any other agency or person or to be transferred to any other agency~~
15 ~~or person for the purpose of establishing or maintaining a statewide electronic database.~~